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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/823,877	03/29/2001	Scott Wolinsky	IT/01	7170

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EXAMINER

JONES, SCOTT E

ART UNIT

PAPER NUMBER

3713

DATE MAILED: 07/17/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/823,877

Applicant(s)

WOLINSKY, SCOTT

Examiner

Scott E. Jones

Art Unit

3713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 March 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-59 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-59 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 March 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All   b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2,3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Drawings*

1. Color photographs and color drawings are acceptable only for examination purposes unless a petition filed under 37 CFR 1.84(a)(2) is granted permitting their use as acceptable drawings. In the event that applicant wishes to use the drawings currently on file as acceptable drawings, a petition must be filed for acceptance of the color photographs or color drawings as acceptable drawings. Any such petition must be accompanied by the appropriate fee set forth in 37 CFR 1.17(h), three sets of color drawings or color photographs, as appropriate, and an amendment to the first paragraph of the brief description of the drawings section of the specification which states:

The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the U.S. Patent and Trademark Office upon request and payment of the necessary fee.

Color photographs will be accepted if the conditions for accepting color drawings have been satisfied.

### *Specification*

2. The abstract of the disclosure is objected to because it exceeds 150 words as required by 37 C.F.R. § 1.72(b). Correction is required. See MPEP § 608.01(b).

3. The spacing of the lines of the specification is such as to make reading and entry of amendments difficult. New application papers with lines double spaced on good quality paper are required.

4. The disclosure is objected to because of the following informalities:

Applicant should provide related application serial number and filing date on page 3.

Correction is required.

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5. The claims are objected to because the lines are crowded too closely together, making reading and entry of amendments difficult. Substitute claims with lines one and one-half or double spaced on good quality paper are required. See 37 CFR 1.52(b).

***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 4-8, 13-17, 22-26, 31-35, 47-51, and 55-59 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. A method claim cannot be further limited by an element limitation.

8. Claims 9, 18, 27, and 36 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The word “can” renders each of these claims indefinite because the language only provides a possibility that, “the terminals spontaneously set up and play a game...”

***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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10. Claims 37-40 are rejected under 35 U.S.C. 102(b) as being anticipated by Hashimoto (U.S. 4,242,539). Hashimoto discloses a conventional caller identification system used to display telephone numbers of incoming and outgoing calls.

***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 1, 7-10, 16-19, 25-28, 34-36, 41, 42, 43, 44, 46-52, and 54-59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Teshima et al. (U.S. 5,273,288).

Teshima et al. discloses a communication terminal connected to a telephone line for playing a game with an opponent having the same game connected through a telephone line (Abstract, Figure 4, Column 1, lines 8-12, 25-30, and Column 3, lines 10-21).

Regarding claims 1, 10, 19, 28, 41, 42, 43, 44, and 52, Teshima et al. seems to lack explicitly disclosing a caller identification system for each game communication terminal (game player and game opponent). However, to one having ordinary skill in the art at the time of applicant's invention, it would have been obvious to incorporate a caller identification system in Teshima et al. Doing so would enable a player to see the phone number of an opponent on a display providing additional information to distinguish between the players.

Regarding claims 7, 16, 25, 34, 47, and 55, Teshima et al. seems to lack explicitly disclosing one of the terminals is a speakerphone. However, to one having ordinary skill in the art at the time of applicant's invention, it would have been obvious to incorporate a speaker

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phone in Teshima et al. Doing so enables a player to continue playing the game with both hands free rather than having one hand tied up holding the phone.

Regarding claims 8, 17, 26, 35, 48, and 56, Teshima et al. seems to lack explicitly disclosing one of the terminal is a wireless telephone. However, to one having ordinary skill in the art at the time of applicant's invention, it would have been obvious to incorporate a wireless telephone in Teshima et al. Doing so enables a player the mobility to play the game remotely from traditional land lines.

13. Claims 2-6, 11-15, 20-24, 29-33, 45, and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Teshima et al. (U.S. 5,273,288) in view of Golad (U.S. 6,231,441).

Teshima et al. discloses that as discussed above regarding claims 1, 7-10, 16-19, 25-28, 34-36, 41, 42, 43, 44, 46-52, and 54-59 and is incorporated herein. Teshima et al. seems to lack explicitly disclosing:

Regarding Claims 2, 11, 20, 29, 45, and 53:

- defining a plurality of identifiers used to differentiate between the first and second players;
- activating a first indicator representing the first player;
- activating a second indicator representing the second player;
- indicating at each terminal whose turn it is;
- receiving the instruction from the player whose turn it is;
- and displaying at each terminal the game move and identifier.

Regarding Claims 3, 12, 21, and 30:

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- the game move and identifier are displayed on one or more keys of a keypad used to dial the dialed telephone number.

Regarding Claims 4, 13, 22, and 31:

- the received input instruction comprises at least one dual tone multi-frequency (DTMF) signal.

Regarding Claims 5, 14, 23, and 32:

- the player whose turn it is indicated by sequentially activating and deactivating one of the first and second indicators at each of the terminals.

Regarding Claims 6, 15, 24, and 33:

- the first and second indicators comprise color coded LEDs.

Golad (U.S. 6,231,441) teaches of a game board controlled by a computer/software that can be used for various games and is played by a plurality of players. Golad lacks explicitly disclosing that the games board can be played over a phone line. However, Golad teaches:

Regarding Claims 2, 11, 20, 29, 45, and 53:

- defining a plurality of identifiers used to differentiate between the first and second players (Figure 1, Column 1, line 4-Column 2, line 5, Column 2, line 59-Column 3, line 3, and Column 3, lines 35-43);
- activating a first indicator representing the first player (Figure 1, Column 1, line 4-Column 2, line 5, Column 2, line 59-Column 3, line 3, and Column 3, lines 35-43);

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- activating a second indicator representing the second player (Figure 1, Column 1, line 4-Column 2, line 5, Column 2, line 59-Column 3, line 3, and Column 3, lines 35-43);
- indicating at each terminal whose turn it is (Figure 1, Column 1, line 4-Column 2, line 5, Column 2, line 59-Column 3, line 3, and Column 3, lines 35-43);
- receiving the instruction from the player whose turn it is (Figure 1, Column 1, line 4-Column 2, line 5, Column 2, line 59-Column 3, line 3, and Column 3, lines 35-43);
- and displaying at each terminal the game move and identifier (Figure 1, Column 1, line 4-Column 2, line 5, Column 2, line 59-Column 3, line 3, and Column 3, lines 35-43).

Regarding Claims 3, 12, 21, and 30:

- the game move and identifier are displayed on one or more keys of a keypad used to dial the dialed telephone number (Figure 1, Column 1, line 4-Column 2, line 5, Column 2, line 59-Column 3, line 3, and Column 3, lines 35-43).

Regarding Claims 5, 14, 23, and 32:

- the player whose turn it is indicated by sequentially activating and deactivating one of the first and second indicators at each of the terminals (Figure 1, Column 1, line 4-Column 2, line 5, Column 2, line 59-Column 3, line 3, and Column 3, lines 35-43).

Regarding Claims 6, 15, 24, and 33:



- the first and second indicators comprise color coded LEDs (Figure 1, Column 1, line 4-Column 2, line 5, Column 2, line 59-Column 3, line 3, and Column 3, lines 35-43).

It would have been obvious to one having ordinary skill in the art, at the time of the applicant's invention, to incorporate the features of Golad in Teshima et al. Doing so enables players to easily differentiate between each player's game moves.

Furthermore, regarding claims 4, 13, 22, and 31, it would have been obvious to utilize (DTMF) signals in phone system keypads. Doing so would provide standard technology available for digital phones that was notoriously well known at the time of the applicant's invention.

### ***Conclusion***

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hoff et al. '709, Katz '846, Heredia '612, Perlman et al. '773, Krishnan '685, Thompson, Jr. '199, Katz '633, Perlman '339, Pocock et al. '077, Bishop et al. '931, and Hsu '604 disclose telephone, caller id, and game systems.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott E. Jones whose telephone number is (703) 308-7133. The examiner can normally be reached on Monday - Friday, 8:30 A.M. - 5:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on (703) 308-4119. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9302 for regular communications and (703) 872-9303 for After Final communications.

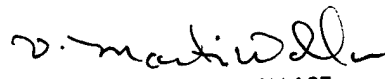
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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

Scott E. Jones  
Examiner  
Art Unit 3713

SEJ

sej  
July 9, 2002

  
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